

REMARKS

Claims 3-11 are now present in this application.

The specification has been amended, claims 1-2 have been cancelled without prejudice or disclaimer, and claims 3-11 have been presented. Reconsideration of the application, as amended, is respectfully requested.

Claims 1 and 2 stand rejected under 35 USC 101 because the claimed invention is not supported by either a credible asserted utility or a well-establish utility. The Examiner has read more into the invention disclosure than exists. In other words, the Examiner alleges that the invention would produce more energy than is consumed. The Examiner is correct that total energy in the fluid is at a maximum when the upper base is full and due to friction and turbulence, there is energy lost. Nonetheless, it is simply stated in the application that some energy is generated. This energy is used to pump the water back to the upper cistern. The invention is not a perpetual motion machine. The claims and specification do not state that this is the only source of power, but rather simply a source for generating some of the power. It is respectfully submitted that this claimed arrangement is supported and has a credible utility.

Claims 1 and 2 stand rejected under 35 USC 112, first paragraph. This rejection is respectfully traversed.

For the reasons given above, it is respectfully submitted that there is a credible utility for the present invention. In addition,

other than being an automatic fluid recycle device, independent claim 5 simply recites an amusement device for pumping water. Again, this is another credible utility. By the arrangement of pumping water originally disclosed, the device as recited in claim 5 is supported. It is respectfully submitted that the 35 USC 112, first paragraph rejection should now be reconsidered and withdrawn.

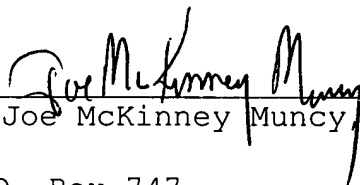
Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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